

PATENT  
00833-P0043A SPM/MWK

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	Timothy Raymond Hirst
Serial No. 10/743,391	Filing Date: December 22, 2003
Title of Application:	Mutant Forms Of EtxB and CtxB And Their Use As Carriers
Confirmation No. 7178	Art Unit: 1615
Examiner	

Mail Stop Missing Parts  
Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450

**Filing of Missing Parts**

Dear Sir:

Applicants hereby enclose for filing in response to the Notice to File Missing Parts of Application - Filing Date Granted dated September 1, 2004 (copy enclosed), the following items:

- (1) Declaration of the Inventors executed on 10 October 2004, and payment of the required fee in the amount of \$65.00.
- (2) Replacement Drawings in compliance with 37 C.F.R. §1.84. Please note that the corrected drawings label each separate Figure by number and capital letter. In Figure 10, lower case letters a-l and a-h are used as reference characters and do not identify separate Figures.

In the Notice of Missing Parts, the Examiner has requested a Sequence Listing in compliance with 37 C.F.R. §1.821-1.825. Applicant respectfully submits that a Sequence Listing is not required for this application. 37 CFR 1.821(c) only requires patent applications which contain disclosures of nucleotide and/or amino acid sequences to contain, as a separate part of the disclosure, a paper or compact disc copy disclosing

the nucleotide and/or amino acid sequences. Here the applicant has not included nucleotide or amino acid sequences in the specification, hence 37 CFR 1.821-1.825 does not apply. Moreover, it is noted that no Sequence Listing was requested in connection with the PCT application when it was filed. Accordingly, reconsideration of this requirement is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees by this paper and during the entire pendency of this Application to Account No. 19-4516.

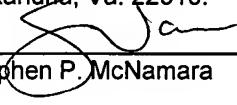
Respectfully submitted,



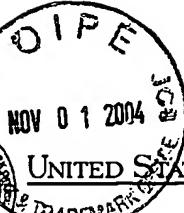
Stephen P. McNamara, Registration No. 32,745  
Michael W. Krenicky, Registration No. 45,411  
Attorneys for Applicant  
ST.ONGE STEWARD JOHNSTON & REENS LLC  
986 Bedford Street; Stamford, CT 06905-5619  
203 324-6155

Certificate of Mailing: I hereby certify that this correspondence is today being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Mail Stop Missing Parts; Commissioner for Patents; Alexandria, Va. 22313.

October 26, 2004

  
Stephen P. McNamara

IFW ✓



## UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/743,391	12/22/2003	Timothy Raymond Hirst	00833-P0043A

RECEIVED

St. Onge Steward Johnston &amp; Reens

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 986 BEDFORD STREET  
 STAMFORD, CT 06905-5619

SEP 03 2004

CONFIRMATION NO. 7178

FORMALITIES LETTER



\*OC000000013691613\*

FILE \_\_\_\_\_  
 DKT \_\_\_\_\_

Date Mailed: 09/01/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

11/02/2004 WASFAW1 00000064 10743391

FILED UNDER 37 CFR 1.53(b)

01 FC:2051

65.00 OP

*Filing Date Granted***Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because:
  - More than one figure is present and each figure is not labeled "Fig." with a consecutive Arabic numeral (1, 2, etc.) or an Arabic numeral and capital letter in the English alphabet (A, B, etc.)(see 37 CFR 1.84(u)(1)). See Figure(s) 10M-T.
- This application clearly fails to comply with the requirements of 37 CFR 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the

"Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

**For questions regarding compliance to these requirements, please contact:**

- **For Rules Interpretation, call (703) 308-4216**
- **To Purchase PatentIn Software, call (703) 306-2600**
- **For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)**

**SUMMARY OF FEES DUE:**

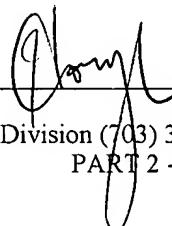
Total additional fee(s) required for this application is **\$65** for a Small Entity

- **\$65 Late oath or declaration Surcharge.**

Replies should be mailed to: Mail Stop Missing Parts  
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*A copy of this notice **MUST** be returned with the reply.*



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Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



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Commissioner for Patents  
Post Office Box 1450  
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Replacement Drawing Cover Sheet For Twelve Sheets Of Drawings

Attorneys for Applicant  
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